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Patent
Attorney Docket No. 1000409-000102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
Katsu HATTORI et al.
Application No.: 10/808,295
Filing Date: March 25, 2004
Title: OCCUPANT DETECTING DEVICE

Group Art Unit: 3661
Examiner: THU V NGUYEN
Confirmation No.: 5632

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- A Petition for Extension of Time is also enclosed.
- Terminal Disclaimer(s) and the \$65.00 (2814) \$130.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.
- Also enclosed is/are _____

- Small entity status is hereby claimed.
- Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the \$395.00 (2801) \$790.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- Applicant(s) previously submitted _____

on _____, for which continued examination is requested.
- Applicant(s) requests suspension of action by the Office until at least _____, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

- No additional claim fee is required.
- An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	10	MINUS 20 =	0	x \$50.00 (1202) =	\$ 0.00
Independent Claims	4	MINUS 4 =	0	x \$200.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$360.00 (1203)					
Total Claim Amendment Fee					
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					

- A check in the amount of _____ is enclosed for the fee due.
- Charge _____ to Deposit Account No. 02-4800.
- Charge _____ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL PC

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: March 2, 2006

By 
Matthew L. Schneider
Registration No. 32,814



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Attorney's Docket No. 1000409-000102

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In re Patent Application of)
Katsu HATTORI et al.) Group Art Unit: 3661
Application No.: 10/808,295) Examiner: THU V NGUYEN
Filed: March 25, 2004) Confirmation No.: 5632
For: OCCUPANT DETECTING DEVICE)
)

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Official Action dated January 31, 2006, the following remarks are submitted.

The Official Action indicates that the claims in this application are directed to four different species. As identified in the Official Action, the four species are as follows.

Species 1 (Claims 1 and 2) illustrated in Fig. 9 drawn to correcting the calculated total pressure value based on the detected temperature or the determining value threshold.

Species 2 (Claims 3 and 4) shown in Fig. 10 drawn to correcting the obtained edge based on the detected temperature or the edge threshold.

Species 3 (Claims 5-8) depicted in Fig. 11 drawn to correcting the calculated lateral width calculated based on the detected temperature or the lateral width threshold.

Species 4 (Claims 9 and 10) described in the specification beginning in the last paragraph of page 23 and extending through lines 1-11 of page 24 drawn to correcting the "ON" cell number based on the detected temperature or the determining threshold for "ON" cell number.

Based on the observation that the four species are patentably distinct from one another, an election of species requirement has been imposed requiring an election of one of the four species.

In response to the election of species requirement, applicants hereby elect, with traverse, Species 3 identified in the Official Action. Based on the parameters set forth in the Official Action, Claims 5-8 are readable on this species.

The election of Species 3 is made with traverse for several reasons. First, the various species identified in the Official Action are not different species of the claimed invention. Rather, the four different claim sets identified in the Official Action represent different definitions of the same disclosed subject matter which vary from one another in terms of breadth or scope of definition. As such, the election of species requirement is not appropriate.

In addition, and aside from the foregoing, it is believed that all of the claims of this application can be examined at the same time without serious burden. In one respect, the search required for the non-elected species would be substantially coextensive with the search associated with the elected species. In addition, examining all of the claims of this application at the same time would not be seriously burdensome.

In light of the foregoing, withdrawal of the election of species requirement and examination of all of the claims of this application, including Claims 5-8 directed to the elected species, are respectfully requested.

Should any questions arise in connection with this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: March 2, 2006

By: 
Matthew L. Schneider
Registration No. 32,814

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